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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,963	09/28/2001	Richard G. Rebh	FLOR-0162	5193
23377	7590	04/13/2007	EXAMINER	
WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			DINH, DUC Q	
			ART UNIT	PAPER NUMBER
			2629	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/13/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/965,963	REBH, RICHARD G.	
	Examiner	Art Unit	
	DUC Q. DINH	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 April 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 75,81-85,89 and 90 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 75,81-85,89 and 90 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive (due to the filing of DECLARATION PURSUAN~ TO 37 C.F.R, § 1.13) and, therefore, the finality of that action is withdrawn.

Claims 75, 81-85, 89 and 90 are currently pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 75, 81-85 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle et al. (U.S Patent No 5,848,830) in view of Pathirana (U.S Patent No. 6,879,961).

In reference to claim 75, Castle discloses a system for advertising in Fig. 6 comprising: a floor display (floor display 34 of mat 10; Figs. 1 and 6) that conveys visual marketing information for a product (col. 3, lines 61-64);

an output device (audio emitter speaker 63; col. 4, lines 30-31) for generating sound, wherein the output device conveys audio marketing information for the product (col. 4, lines 40-41);

a touch-activated sensor (70 of Fig. 6) such that the sensor can be selectively actuated by a consumer based on the consumer's interest in the product (col. 4, lines 43-46);

a memory comprising instructions for generating sound from the output device (chip containing desired audio sounds; col. 4, lines 35-37); and a controller (within the chip, i.e. the

chip inherently having a controller to emit a jingle or other appropriated sound associated with visual advertisement and actuates the speaker or the lamp or both when someone walk on the mat 10; col. 4, lines 40-47) in electrical connection with the output device (63), the sensor (70), and the memory, the controller executing the memory instructions in response to a signal generated by the sensor (the touch sensitive pad 70 actuates the speaker or the lamp or both when activated by user; col. 4, lines 43-47).

Accordingly, Castle discloses everything except the floor display conveys visual marketing information for a product that is proximal to the display.

Pathirana discloses a display panel 14 (Fig. 1) for displaying marketing information for a product (col. 1, lines 40-45) proximal to the display and consumers can use the touch activate screen for market information of the interested product.

It would have been obvious for one of ordinary skill in the art at the time of the invention to learn the teaching of Pathirana, i.e. display customer's interested product information on the proximal display, in the system of Castle so that shoppers can easily use the display panel to obtain further information concerning certain merchandise and services (col. 1, lines 65-67; col. 2, lines 39-44).

In reference to claim 81, Castle discloses the output device at least one speaker (62; col. 4, lines 30-31).

In reference to claim 82, Castle discloses a direct current power source that powers the controller (battery; col. 4, lines 10-11).

In reference to claim 83, Castle discloses wherein the floor display is illuminated (col. 3, lines 61-62).

In reference to claim 84, Castle discloses the controller is in further electrical connection with the floor display, and wherein the memory further comprises instructions for illuminating the floor display in a pattern (modification may be added to the lamp 56 such as a timed switch to cause the lamp 56 to blink at a desired interval, i.e. a pattern).

In reference to claim 85, Castle discloses the controller executes the instructions for illuminating the floor display in response to a signal from sensor (the touch activated sensor 70 actuates the both of the lamp and the speaker when someone walks on the mat; col. 4, lines 13-15 and 43-46).

In reference to claim 89, Castle discloses the sensor 70 is proximal to the display 34 (see Figs. 1 and 6)

In reference to claim 90, Castle discloses the floor display is rectangular (see Fig. 6).

***Response to Arguments***

4. Applicant's arguments with respect to claims 75, 81-85 and 89-90 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO 892 for the patent of Advertising display systems having displays illuminated and sounds modifiable using touch sensor that conveys information of the products proximal to the display based on the customer's desires.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH  
Examiner  
Art Unit 2629



April 12, 2007